

**CITY COUNCIL OF THE CITY OF SAN DIEGO
SUPPLEMENTAL DOCKET NUMBER 5
FOR THE REGULAR MEETING OF
TUESDAY, JUNE 28, 2005 AT 10:00 A.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:**

ITEM-S500: In the Matter of Attorney’s Fees for City of San Diego Employees Relating to the Financial Disclosures and Pension Investigation.

CITY ATTORNEY’S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1362)

Authorizing the additional expenditure of an amount not to exceed \$350,000 for the purpose of paying attorney's fees incurred in Fiscal Year 2005 for the representation of any past and present City employee related to the investigations described above, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Declaring the authorization for the above attorney's fees is to be suspended if criminal charges are brought against any such past or present City employee, and that the City shall reserve its right to immediately terminate the payment of fees and seek reimbursement of fees paid in the event that criminal charges are brought against any official or employee, or if a conviction is obtained.

SUPPORTING INFORMATION:

On June 27, 2005, a report will be submitted to the Mayor and Council regarding the status of outside counsel representation of individual employees and officials regarding the financial disclosures and pension investigation. The action will be to obtain direction as to what amount, if any, is authorized for the payment of attorney’s fees for representation of City employees regarding the investigations. To make payment to outstanding invoices submitted by outside counsel for various individuals, it is recommended that \$350,000 be appropriated from Fiscal Year 2005 funds, with an amount to be determined from Fiscal Year 2006 funds.

Irvine/Kane

Aud. Cert. 2501122.